## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

CHRIS JENSEN HEALTH & REHABILITATION CENTER, LLC

**Employer-Petitioner** 

and

Case 18-UC-429

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES COUNCIL 5

Union

## **ORDER**

Employer-Petitioner's Request for Review of the Regional Director's Decision and Clarification of Bargaining Unit is denied as it raises no substantial issues warranting review. The Employer-Petitioner asserts that it "intends" to have the alleged confidential employee fill in during the absence of the Director of Human Resources, "anticipates" that she will handle grievance administration, and asserts that the "recently created" position is not "fully developed." The Employer-Petitioner's position therefore is that the alleged confidential's position is still in flux, and its duties are evolving. We deny review without prejudice to the Employer-Petitioner's right to file a timely second unit clarification petition to present evidence that the actual duties of the assistant to the human resources director/payroll/accounts payable have evolved and changed to make her a confidential employee as defined in our jurisprudence.

WILMA B. LIEBMAN,

**CHAIRMAN** 

CRAIG BECKER,

**MEMBER** 

MARK GASTON PEARCE.

**MEMBER** 

Dated, Washington, D.C., June 9, 2010.